



00130P00220US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) FACILITATING SALE OF VARIABLE
ROBERT A. KRONENBERGER) PRODUCT ON THE INTERNET
Serial No. 09/833,305)
Filed April 10, 2001) Group Art Unit 3625
)
) Examiner Matthew S. Gart

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice of Non-Compliant Amendment, attached hereto is a copy of the Amendment filed January 18, 2005. It is submitted that this Amendment is compliant with Patent and Trademark Office rules.

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 30, 2005.

Signature: Karen Sanderson
Name: Karen Sanderson

Specifically, the Notice indicates that the Amendment is non-compliant for the following reason:

"No text for claims 1 and 2, 11-13 and 21-22."

While it is true that no text was provided for those claims, those claims have all been cancelled, and were clearly marked as such (e.g., "1. (Cancelled)") Pursuant to 37 C.F.R. §1.121(c)(4)(I):

No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered".

Accordingly, it was not only proper to not include the text of those claims, their omission is required by Patent and Trademark Office rules.

The undersigned called the Examiner in this case and pointed this out upon receiving the Notice. The Examiner agreed that the Notice was inappropriate, and the undersigned was referred to Ms. Sonya Williams, who was to have withdrawn this Notice. However, no such withdrawal has been received, and the PAIR system does not indicate that one has been sent out. Follow up attempts to reach Ms. Williams (at 703-305-2272) have been unsuccessful. Moreover, the number indicates that no voice mail has been set up for that number, preventing the undersigned from even leaving a message.

In short, this Notice should be withdrawn and the Amendment forwarded to the Examiner for action. Early notification to that effect is respectfully requested.

Should any extension of time fees be required for this filing despite the above circumstances, the Patent and Trademark Office is hereby authorized to charge such fees to Deposit Account No. 23-0785.

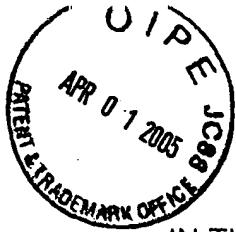
Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By Jeffrey L. Clark
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March 30, 2005

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AMENDMENT "B"

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 6, 2005, Applicant wishes to amend his above-identified application as follows:

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. on January 14, 2005.

Signature:

Karen Sanderson

Name:

Karen Sanderson